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10/583,652

06/16/2006

Fabrice Madigou

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12400 Wilshire Boulevard
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Los Angeles, CA 90025

EXAMINER

RUSTEMEYER, MALINA K

ART UNIT

PAPER NUMBER

3716

MAIL DATE

DELIVERY MODE

06/02/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| | | | |
|------------------------------|---|---|--|
| Office Action Summary | Application No. 10/583,652 | Applicant(s) MADIGOU, FABRICE | |
| | Examiner MALINA K. RUSTEMEYER | Art Unit 3716 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 6,7 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-5,8-11,13 and 14 is/are rejected.
- 7) ☒ Claim(s) 6,7 and 12 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 June 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/01/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claims 6, 7, and 12 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 1 to 5 and 9 to 11. See MPEP § 608.01(n).

Accordingly, the claims 6, 7, and 12 have not been further treated on the merits.

2. Claim 8 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 8 is depending from itself, this is incorrect. Examiner is interpreting claim 8 to depend from claim 1 for the merits of this case.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 6, 7, 12 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. These claims are multiple dependent claims.

Furthermore, these claims depend on claims such as 3, 5, and 11 which themselves are dependent on multiple claims.

5. Claims 1, 2, 9, and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter

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which applicant regards as the invention. It is unclear whether "/" means "and" or "or."

For the purposes of examination, the Examiner is interpreting "/" to mean "or."

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 8-11, 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Woolston (US 6162123).

Concerning claim 1, Woolston teaches electronic game system comprising a central processing unit, a display device (television) and at least one universal displaceable input actuator (sword apparatus) that can be held in the player's hands and can generate standard control information for several electronic game programs that can all be executed by the processing unit (game controller, 240) **[column 6, lines 46-63 and column 8, line 65- column 9, line 47]**, characterized in that it comprises means of transmitting or receiving signals (receivers and/or blasters) between a fixed part of the system (game controller, 240) and the said actuator (sword apparatus) **[column 6, lines 46-63 and column 8, line 65- column 9, line 47]**, processing means capable of determining path time data for transmitted signals to generate one or more items of actuator position or orientation information **[column 9, lines 3-21]**, and control means that can apply controls based on the position or orientation information, to the

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processing unit to act on the displacement of virtual objects displayed on the display device **[column 10, lines 21-66]**.

Concerning claim 2, Woolston teaches transmission or reception means provided on the fixed part of the system include transmitters or receivers provided close to the display device **[column 6, lines 46-63 and column 8, line 65- column 9, line 47]**.

Concerning claim 3, Woolston teaches that it comprises at least one receiver on the fixed part and at least one transmitter on the actuator, and in that the said transmitter is capable of transmitting actuator identification information to the central unit through the said receiver **[column 6, lines 46-63 and column 8, line 65- column 9, line 47]**.

Concerning claim 4, Woolston teaches it also comprises a transmitter on the actuator capable of transmitting actuation information determined from an actuatable element provided on the actuator, through a receiver on the fixed part, to the central unit **[column 6, lines 46-63 and column 8, line 65- column 9, line 47]**.

Concerning claim 5, Woolston teaches it comprises a plurality of transmitters on the fixed part (300, 302, 304) and a plurality of receivers on the actuator (210, 220, 230) **[column 6, line 46- column 7, line 31 and column 8, line 65- column 9, line 47]**.

Concerning claim 8, Woolston teaches that the actuator comprises three non-aligned transmitters (210, 220, 230) or receivers **[column 6, lines 46-63 and column 8, line 65- column 9, line 47]**.

Concerning claim 9 (see further explanation in claim 1), Woolston teaches universal displaceable input actuator that can be held in a player's hands, to apply

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control signals to an electronic game system comprising a central processing unit and a display device, characterized in that it comprises means of transmitting signals by wireless transmission from at least two transmitters at a distance from each other on the actuator **[column 6, lines 46-63 and column 8, line 65- column 9, line 47]**, the said transmitters transmitting distinct signals that can be used to determine the position and/or orientation of the actuator from at least two fixed receivers **[column 10, lines 21-66]**.

Concerning claim 10, Woolston teaches characterized in that at least one transmitter is capable of transmitting actuator identification information **[column 6, lines 46-63 and column 8, line 65- column 9, line 47]**.

Concerning claim 11, Woolston teaches characterized in that at least one transmitter is also capable of transmitting actuation information determined from an actuatable element provided on the actuator **[column 6, lines 46-63 and column 8, line 65- column 9, line 47]**.

Concerning claim 13 (see further explanation in claim 1), Woolston teaches universal displaceable input actuator that can be held in a player's hands, to apply control signals to an electronic game system comprising a central processing unit and a display device, characterized in that it comprises means of reception of signals sent by wireless transmission at least one receiver, the receiver being designed to receive distinct signals transmitted by at least two fixed transmitters to determine the position and/or orientation of the actuator **[column 6, lines 46-63 and column 8, line 65- column 9, line 47 and column 10, lines 21-66]**.

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Concerning claim 14, Woolston teaches characterized in that it comprises a displacement control part free to move with respect to another part, and in that the receiver or each receiver is fixed on the displacement control part, and in that at least one transmitter is fixed on the said other part [**column 6, lines 46-63 and column 8, line 65- column 9, line 47**].

Examiner's Note

The referenced citations made in the rejection(s) above are intended to exemplify areas in the prior art document(s) in which the examiner believed are the most relevant to the claimed subject matter. However, it is incumbent upon the applicant to analyze the prior art document(s) in its/their entirety since other areas of the document(s) may be relied upon at a later time to substantiate examiner's rationale of record. A prior art reference must be considered in its entirety, i.e., as a whole, including portions that would lead away from the claimed invention. W.L. Gore & associates, Inc. v. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). However, "the prior art's mere disclosure of more than one alternative does not constitute a teaching away from any of these alternatives because such disclosure does not criticize, discredit, or otherwise discourage the solution claimed...." In re Fulton, 391 F.3d 1195, 1201, 73 USPQ2d 1141, 1146 (Fed. Cir. 2004).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MALINA K. RUSTEMEYER whose telephone number is (571)270-1297. The examiner can normally be reached on Mon. - Thurs., 7 AM - 6 PM, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dmitry Suhol can be reached on 571-272-4430. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dmitry Suhol/
Supervisory Patent Examiner, Art Unit 3716

/M. K. R./
Examiner, Art Unit 3716